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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:12-cv-02265-SI

PLAINTIFF,

v.

**DEFENDANT CITY OF
PORTLAND'S SUPPLEMENTAL
MEMORANDUM**

CITY OF PORTLAND,

DEFENDANT.

The City of Portland (City) submits this Supplemental Memorandum in compliance with the Court's Order of November 11, 2016.¹ ECF 140. This Supplemental Memorandum outlines the steps the City has taken since the Second Annual Status Conference on October 25, 2016, to develop proposed amendments to Section IX of the Settlement Agreement, as well as the steps the City proposes to take. The City and the United States have both indicated that amendments are necessary for the City to achieve compliance with this section.

¹ The City maintains its objections (Docket No. 138) to the Court's Order (Docket No. 140), entered following the October 25, 2016 Annual Status Conference, and notwithstanding submission of this Supplemental Memorandum, reserves its right to seek appellate review of that Order.

As it reported at the October 25, 2016 Second Annual Status Conference, the City engaged multiple constituencies during the Community Oversight Advisory Board's (COAB) 60-day hiatus.² The City interviewed almost all current and former COAB members, as well as mental health peer support advocates, mental health providers and members of other police accountability boards. In addition, the City circulated a survey and collated the feedback.

Also during the hiatus, representatives from the Mayor's Office and City Attorney's Office met on three separate occasions with representatives of amicus Albina Ministerial Alliance Coalition for Justice and Police Reform to solicit their advice about options for successful community engagement as contemplated by the Settlement Agreement. On October 14 and October 21, 2016, the City hosted meetings of intervenor Portland Police Association, amicus, and the United States. The group offered differing opinions about a draft conceptual framework that the City proposed.

During these discussions, the City, amicus and intervenor agreed it would be most productive to conduct further discussions with the assistance of a professional facilitator. It was agreed that the participants would propose a facilitator by October 27, 2016. On November 2, 2016, intervenor suggested a candidate. Because the City had not received a candidate from amicus by November 14, 2016, despite several requests that one be provided, the City suggested a candidate. On November 23, 2016, amicus rejected the City's candidate and suggested two others. Amicus represented to the City that these two candidates emerged as a result of private meetings between amicus and intervenor. On November 28, 2016, the City notified amicus it would agree to use one or the other of these two facilitators.

The City has contacted both candidates and each has agreed to provide a proposed work plan by December 9, 2016, for the City's consideration. The City will select and engage one of these facilitators by the end of December 2016, if one of these facilitators agrees to contract with the City. The City will pay for the facilitation services. The City's goal is for the facilitated discussions to be conducted and completed during January 2017.

² The City and the United States agreed to a 60-day hiatus to the operation of the COAB commencing on August 19, 2016, and ending on October 20, 2016.

Through the facilitated discussions, the City seeks input on the following topics: selection process for members of the reconstituted body, function/scope of work, deliverables and timelines. The City believes it would be beneficial for the United States to participate in the facilitated discussions. The City's proposed framework for discussion is a body that:

- a. is significantly smaller than the 20 seats that made up the COAB;
- b. is not a public body for purposes of Oregon public meetings law but holds periodic public town hall meetings;
- c. receives independent professional administrative and facilitation services paid for by the City;
- d. has a chair selected by the body from among its members;
- e. is independent of the Compliance Officer and Community Liaison (COCL);
- f. receives necessary training; and
- g. is tasked with recommending systems for successful engagement between police and the community with a particular emphasis on racial equity and mental health.

After the facilitated discussions in January 2017, the City intends to immediately engage with the United States in the collaborative process required by paragraph 175 of the Settlement Agreement to develop the necessary amendments to Section IX. The terms of all remaining COAB members expire at the end of January 2017. The City's goal is to reconstitute a body as soon thereafter as possible.

Since the Second Annual Status Conference on October 25, 2016, the City has kept the United States informed of the City's progress via phone calls, written correspondence, and in-person meetings with United States representatives.

Dated: December 2, 2016.

Respectfully submitted,

/s/ Tracy Reeve

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